

## LEGISLATIVE BILL 349

Approved by the Governor May 6, 1977

Introduced by Nebraska Retirement Systems Committee, Hasebroock, 18, Chmn.; Fowler, 27; Warner, 25; Goodrich, 20; Mills, 44

AN ACT to amend section 79-1509, Revised Statutes Supplement, 1976, relating to the school retirement system; to change provisions for membership of certain employees in the system; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-1509, Revised Statutes Supplement, 1976, be amended to read as follows:

79-1509. (1) The membership of the retirement system shall be composed as follows: (a) All persons who become senior school employees after September 1, 1945, and who have not attained their sixty-fifth birthday on or before July 1 last preceding the date of employment, except those specifically excluded under sections 79-1512 and 79-1513, shall become members as soon as they become senior school employees; ~~Provided, all school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity within sixty days after August 27, 1964, or within sixty days after being employed by a public school in the state, file with the retirement board an election not to be included in the membership of the retirement system and such election shall be in writing on forms prescribed by the retirement board and any person so electing waives all rights within the system except to a refund of his accumulated contributions;~~ (b) senior school employees on July 1, 1945, except those specifically excluded in sections 79-1512 and 79-1513, shall be members of the retirement system as of July 1, 1945, unless prior to October 1, 1945, any such employee shall have filed with the retirement board and with his employer a notice of his election not to be included in the membership of the system and a duly executed waiver of all the present and prospective benefits which would otherwise inure to him on account of his membership in the retirement system; and (c) emeritus members as defined in section 79-1501.

(2) Any individual who, at the age of sixty years or older or within five years of his or her expected retirement age, whichever is earlier, becomes a senior school employee shall not be required to become a member

of a retirement system established pursuant to Chapter 79, article 15. Such individual may elect to come under the applicable retirement system and, upon such election, shall pay the contributions required by the system. Any contributions paid by such individual shall be credited to his or her account for the purpose of providing a savings account for such individual, and such account shall earn regular interest from the date of first contribution.

Sec. 2. All school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity who had previously elected not to be included in the school retirement system pursuant to section 79-1509 may, after the operative date of this act and prior to July 1, 1978, file with the retirement board an election to be included in the membership of the retirement system, but such employees shall be treated as new employees and no prior service credit shall be granted.

Sec. 3. All school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity who are employed after January 1, 1978, and prior to July 1, 1978, shall have until June 30, 1978, to file with the retirement board an election not to be included in the membership of the retirement system established pursuant to Chapter 79, article 15, and such election shall be in writing on forms prescribed by the retirement board and any person so electing waives all rights within the system except to a refund of his accumulated contributions. All such employees employed on or after July 1, 1978, shall become members of such retirement system as soon as they are employed and shall not have a right to elect out of such retirement system.

Sec. 4. Any individual who, having attained his or her sixty-first birthday on or before July 1 last preceding the date of employment, shall not become a member of the retirement system established pursuant to Chapter 79, article 15.

Sec. 5. This act shall become operative January 1, 1978.

Sec. 6. That original section 79-1509, Revised Statutes Supplement, 1976, is repealed.